

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Matthew A. Arrington

Docket No. 5:11-MJ-1368-1

Petition for Action on Probation

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment of Matthew A. Arrington, who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, Driving While Impaired (Level 5), was sentenced by the Honorable James E. Gates, U.S. Magistrate Judge, on July 12, 2011, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until his privilege to do so is restored in accordance with law.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On July 20, 2011, the defendant submitted a urine sample that tested positive for marijuana. When confronted with the results, the defendant denies knowingly using marijuana. His only explanation is that he smoked a cigar that was provided to him by a friend. In order to drug test the defendant more frequently and refer for additional substance abuse counseling if needed, we are recommending that the conditions of probation be modified to include our standard drug aftercare condition. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Eddie J. Smith
Eddie J. Smith
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: August 4, 2011

ORDER OF COURT

Considered and ordered this 5th day of August, 2011, and ordered filed and made a part of the records in the above case.


James E. Gates
United States Magistrate Judge